



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

RECEIVED
CENTRAL FAX CENTER

DEC 17 2003

OFFICIAL

Fax

Date: December 17, 2003

U.S. Patent & Trademark

To: Office: **Office of Petitions** Fax #: (703) 872-9306 Confirm#:

Client Matter#: STE-023.01 (18903-2301)

From: Jeffray M. Sears Sender's Number: 3022 User #:
Total Pages Sent (Including Cover Sheet): 8 Office: Boston

Message

OFFICIAL COMMUNICATION
OFFICE OF PETITIONS

Re: U.S. Patent Application No. 10/633,177
Filed: August 1, 2003
Attorney Docket No.: STE-023.01 (18903-2301)

Dear Sir or Madam:

Enclosed are the following:

1. Transmittal Form with Certificate of Facsimile Transmission (1 page);
2. Fee Transmittal Form (*in duplicate*) (2 pages total);
3. Petition for Retroactive Foreign Filing License (3 pages);
4. Affidavit of Dipl.-Phys. Dr. H.-H. Stroffregen (1 page); and
5. This fax cover sheet (1 page).

IMPORTANT — PLEASE READ

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT'S NAME ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.

Seaport World Trade Center West | 155 Seaport Blvd. | Boston, MA 02210-2600 | TEL: 617.832.1000 | FAX: 617.832.7000
Foley Hoag LLP BOSTON WASHINGTON NC www.foleyhoag.com

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

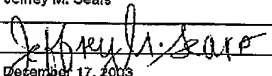
Approved for use through 10/31/2002. OMB 0651-0031

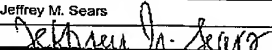
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/633,177	
	Filing Date	August 1, 2003	
	First Named Inventor	Kevin Gordon Jr.	
	Group Art Unit	1734	
	Examiner Name	Not Yet Assigned.	
Total Number of Pages in This Submission	8	Attorney Docket Number	STE-023.01 (18903-2301)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Appointment of Power of Attorney and Revocation of Prior Powers <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition for Retroactive Foreign Filing License; Affidavit of Dipl.-Phys. Dr. H.-H. Stoffregen; Fax Cover Sheet.
Remarks		Customer Number 25,181

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jeffrey M. Sears
Signature	
Date	December 17, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Jeffrey M. Sears	Date	December 17, 2003
Signature		Date	December 17, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

20/571793.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 07/31/2006. OMB 0531-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Information: Information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known	
Application Number	10/833,177
Filing Date	August 1, 2003
First Named Inventor	Kevin Gordon, Jr.
Examiner Name	Not Yet Assigned
Art Unit	1734
Attorney Docket No.	STE-023.01 (18903-2301)

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																					
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account:		3. ADDITIONAL FEES																																																																																																																					
Deposit Account Number: 09-1446; Ref. STE-023.01 (18903-2301)		<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051 130</td> <td>2051 65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052 50</td> <td>2052 25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053 130</td> <td>2053 130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812 2,520</td> <td>1812 2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>1804 920*</td> <td>1804 920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805 1,840*</td> <td>1805 1,840*</td> <td>Requesting publication of SIR after examiner action</td> <td></td> </tr> <tr> <td>1261 110</td> <td>2261 65</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1262 420</td> <td>2262 210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253 950</td> <td>2253 475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254 1,480</td> <td>2254 740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255 2,010</td> <td>2255 1,005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401 340</td> <td>2401 165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402 330</td> <td>2402 165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403 280</td> <td>2403 145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451 1,510</td> <td>1451 1,510</td> <td>Petition to Institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452 110</td> <td>2452 55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453 1,330</td> <td>2453 665</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501 1,330</td> <td>2501 665</td> <td>Utility issue fee (or release)</td> <td></td> </tr> <tr> <td>1502 480</td> <td>2502 240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1603 440</td> <td>2603 220</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460 130</td> <td>1460 130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807 50</td> <td>1807 50</td> <td>Processing fee under 37 CFR 1.17 (c)</td> <td></td> </tr> <tr> <td>1806 180</td> <td>1806 180</td> <td>Submission of Information Disclosure Sheet</td> <td></td> </tr> <tr> <td>8021 40</td> <td>8021 40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809 770</td> <td>2809 385</td> <td>Filing a submission after final rejection (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>1810 770</td> <td>2810 385</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>1501 770</td> <td>2801 385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802 900</td> <td>1802 900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Description	Fee Paid	1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	2053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	1805 1,840*	Requesting publication of SIR after examiner action		1261 110	2261 65	Extension for reply within first month		1262 420	2262 210	Extension for reply within second month		1253 950	2253 475	Extension for reply within third month		1254 1,480	2254 740	Extension for reply within fourth month		1255 2,010	2255 1,005	Extension for reply within fifth month		1401 340	2401 165	Notice of Appeal		1402 330	2402 165	Filing a brief in support of an appeal		1403 280	2403 145	Request for oral hearing		1451 1,510	1451 1,510	Petition to Institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,330	2453 665	Petition to revive - unintentional		1501 1,330	2501 665	Utility issue fee (or release)		1502 480	2502 240	Design issue fee		1603 440	2603 220	Plant issue fee		1460 130	1460 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17 (c)		1806 180	1806 180	Submission of Information Disclosure Sheet		8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(b))		1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))		1501 770	2801 385	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application	
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																				
1051 130	2051 65	Surcharge - late filing fee or oath																																																																																																																					
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet																																																																																																																					
1053 130	2053 130	Non-English specification																																																																																																																					
1812 2,520	1812 2,520	For filing a request for reexamination																																																																																																																					
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action																																																																																																																					
1805 1,840*	1805 1,840*	Requesting publication of SIR after examiner action																																																																																																																					
1261 110	2261 65	Extension for reply within first month																																																																																																																					
1262 420	2262 210	Extension for reply within second month																																																																																																																					
1253 950	2253 475	Extension for reply within third month																																																																																																																					
1254 1,480	2254 740	Extension for reply within fourth month																																																																																																																					
1255 2,010	2255 1,005	Extension for reply within fifth month																																																																																																																					
1401 340	2401 165	Notice of Appeal																																																																																																																					
1402 330	2402 165	Filing a brief in support of an appeal																																																																																																																					
1403 280	2403 145	Request for oral hearing																																																																																																																					
1451 1,510	1451 1,510	Petition to Institute a public use proceeding																																																																																																																					
1452 110	2452 55	Petition to revive - unavoidable																																																																																																																					
1453 1,330	2453 665	Petition to revive - unintentional																																																																																																																					
1501 1,330	2501 665	Utility issue fee (or release)																																																																																																																					
1502 480	2502 240	Design issue fee																																																																																																																					
1603 440	2603 220	Plant issue fee																																																																																																																					
1460 130	1460 130	Petitions to the Commissioner																																																																																																																					
1807 50	1807 50	Processing fee under 37 CFR 1.17 (c)																																																																																																																					
1806 180	1806 180	Submission of Information Disclosure Sheet																																																																																																																					
8021 40	8021 40	Recording each patent assignment per property (times number of properties)																																																																																																																					
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(b))																																																																																																																					
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																					
1501 770	2801 385	Request for Continued Examination (RCE)																																																																																																																					
1802 900	1802 900	Request for expedited examination of a design application																																																																																																																					
1. BASIC FILING FEE		Other fee (specify) _____																																																																																																																					
<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1001 770</td> <td>2001 385</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1002 340</td> <td>2002 170</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003 530</td> <td>2003 265</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004 770</td> <td>2004 385</td> <td>Release filing fee</td> <td></td> </tr> <tr> <td>1005 160</td> <td>2005 80</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Description	Fee Paid	1001 770	2001 385	Utility filing fee		1002 340	2002 170	Design filing fee		1003 530	2003 265	Plant filing fee		1004 770	2004 385	Release filing fee		1005 160	2005 80	Provisional filing fee		SUBTOTAL (1) (\$) 0																																																																																													
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																				
1001 770	2001 385	Utility filing fee																																																																																																																					
1002 340	2002 170	Design filing fee																																																																																																																					
1003 530	2003 265	Plant filing fee																																																																																																																					
1004 770	2004 385	Release filing fee																																																																																																																					
1005 160	2005 80	Provisional filing fee																																																																																																																					
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE		SUBTOTAL (2) (\$) 0																																																																																																																					
<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1202 16</td> <td>2202 9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201 58</td> <td>2201 43</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203 290</td> <td>2203 145</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204 58</td> <td>2204 43</td> <td>Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205 16</td> <td>2205 9</td> <td>Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Description	Fee Paid	1202 16	2202 9	Claims in excess of 20		1201 58	2201 43	Independent claims in excess of 3		1203 290	2203 145	Multiple dependent claim, if not paid		1204 58	2204 43	Reissue independent claims over original patent		1205 16	2205 9	Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$) 0																																																																																													
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																				
1202 16	2202 9	Claims in excess of 20																																																																																																																					
1201 58	2201 43	Independent claims in excess of 3																																																																																																																					
1203 290	2203 145	Multiple dependent claim, if not paid																																																																																																																					
1204 58	2204 43	Reissue independent claims over original patent																																																																																																																					
1205 16	2205 9	Reissue claims in excess of 20 and over original patent																																																																																																																					

*or number previously paid, if greater. For Releases, see above

SUBMITTED BY		Completes if applicable	
Name (Print/Type)	Jeffrey M. Sears	Registration No. (Attorney/Agent)	48,440
Signature	<i>Jeffrey M. Sears</i>	Telephone	(617) 832-1000
		Date	December 17, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1450. If you need assistance in completing this form, call 1-800-PTO-8198 (1-800-786-9198) and select option 2.